

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

WARM SPRINGS COMMUNICATIONS,)	
LLC,)	
)	
Plaintiff,)	
)	
v.)	Case No. CIV-15-1336-D
)	
CCB, LLC and PHIL CAPARSO,)	
)	
Defendants.)	

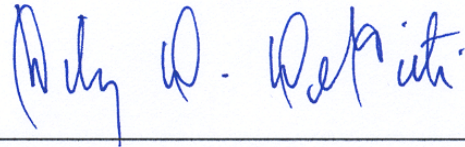
ORDER

Upon examination of the Complaint, the Court finds insufficient factual allegations to establish subject matter jurisdiction under 28 U.S.C. § 1332, as asserted by Plaintiff.¹ Plaintiff identifies itself as a limited liability company formed under the laws of the Ft. Sill Apache Tribe of Oklahoma and Defendant CCB, LLC as a Nebraska limited liability company. A limited liability company is not treated like a corporation under § 1332(c)(1), but like a limited partnership or other unincorporated association under *Carden v. Arkoma Assocs.*, 494 U.S. 185, 195-96 (1990). *See Siloam Springs Hotel, L.L.C. v. Century Surety Co.*, 781 F.3d 1233, 1237-38 (10th Cir. 2015). The Complaint fails to identify the limited liability companies' members or to allege their citizenship. Accordingly, the Complaint fails to demonstrate complete diversity of citizenship between Plaintiff and Defendants.

¹ The Court has “an independent obligation to determine whether subject-matter jurisdiction exists” and may raise the issue *sua sponte* at any time. *Image Software, Inc. v. Reynolds & Reynolds Co.*, 459 F.3d 1044, 1048 (10th Cir. 2006).

IT IS THEREFORE ORDERED that Plaintiff shall file an amended complaint within 14 days of this date to sufficiently state a basis of federal jurisdiction.

IT IS SO ORDERED this 16th day of December, 2015.



TIMOTHY D. DEGIUSTI
UNITED STATES DISTRICT JUDGE